

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 798 of 1998

to

MISC.CIVIL APPLICATIONNo 802 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 No.

ANSUYABEN AMRUTLAL TANNA W/O AMRUTLAL G TANNA

Versus

GUMANSINH DOLATSINH RATHOD

Appearance:

MR YS LAKHANI for Petitioner
RULE SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 16/06/98

ORAL JUDGEMENT

The respondents though served have neither appeared in person nor filed their appearance through Advocate.

The applicants, original claimants, have filed these applications with a request to transfer Motor Accident Claim Petitions No.133/93, 134/93, 135/93, 136/93 and 137/93 pending before the Motor Accident Claims Tribunal, Surendranagar to Motor Accident Claims Tribunal, Rajkot. It is the case of the applicants that on 17-10-1992 the applicants and their family members had started from Ahmedabad to Veraval in the luxury bus of the travel company of respondent No.2. At about 1.30 a.m. respondent No.1, who was driving the bus in rash and negligent manner, lost control over the vehicle and the bus was turtled in a ditch on the road side at about 15 feet with the result that all the passengers, who were travelling in the said bus, suffered injuries. The applicants and other members of the family sustained grave injuries and were taken to Sayla Government Hospital and thereafter were taken to Limdi Government hospital and as the injured were serious, they were shifted to Rajkot hospital and thereafter to Veraval.

The applicants have filed claim petitions claiming different amounts of compensation. It is the case of the applicants that they are residing at Rajkot and although respondents Nos.1,2 and 3 are from Ahmedabad, respondent No.3 is having a branch office at Rajkot. The accident took place in the territorial jurisdiction of Surendragar district. However, in view of the subsequent amendment of Section 166(2) of the Motor Vehicles Act, wherein it is made permissible for the claimants to move claim petition before the Claims Tribunal having jurisdiction over the area in which the accident occurred, or to the claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides. In view of this provision, I am of the view that it would not only be in the interest of justice, but it would be convenient to all the parties to have the claim petition tried and disposed of by the Motor Accident Claims Tribunal, Rajkot.

In the result, these applications are allowed. The M.A.C.Petition No.133/93 to 137/93 pending before the M.A.C.T.Surendranagar are ordered to be transferred to the M.A.C.T.Rajkot. The office is directed to send the writ of this order to both the Courts i.e. at Surendranagar and Rajkot. Rule is made absolute to the aforesaid extent in each of these applications with no order as to costs.

